

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 3046 of 1997

Between:

- 1 The Executive Engineer (R&B),
Narasaraopet, Guntur Dist.
- 2 The Executive Engineer, (R&B),
Guntur.

..... PETITIONERS

AND

- 1 Jada Gopaiah S/o Ramulu
R/o Bodanam, Bellamkonda Mandal, Guntur Dist.
- 2 The Industrial Tribunal cum Labour court rep. by Presiding
Officer cum Chairman, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly in the nature of Writ of Certiorari calling for the records in Award i.e. I.D.No. 3 of 1991, dated 01.10.1996 of the respondent No.2 has published in G.O.No.3080, dated 14.11.1996 and quash the same as bad, illegal and void and set aside the same and be pleased to pass.

Counsel for the Petitioner: GP FOR TRANSPORT R&B

Counsel for the Respondent No.1: MR.P.NAVEEN RAO, Caveator

Counsel for the Respondent No.2: None

The Court made the following ORDER:

This writ petition is filed by the petitioners aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, Guntur, in I.D.No.3 of 1991 dated 01.10.1996, which was published in G.O.Ms.No.3080 dated 14.11.1996.

2. According to the petitioners, the first respondent was engaged for watering the Avenue Plantation in the year 1986 and he was continued till 1988 on daily wage basis and thereafter as there was no need to water the Avenue Plantations, the services of the first respondent were dispensed with. The first respondent aggrieved by the said action, alleging non-compliance of the provisions of the Industrial Disputes Act, 1947 (for short 'the Act') raised an industrial dispute under Section 2-A of the Act, which was registered as I.D.No.3 of 1991.

3. The Labour Court, Guntur, after considering the material placed before it, both oral and documentary, gave a finding that the action of the petitioners herein amounts to termination of the first respondent without following the provisions of the Act, is illegal and therefore, ordered reinstatement into service with continuity of service but without back wages. Aggrieved by that the petitioners have come up with the present writ petition.

4. The learned Government Pleader for Transport appearing for the petitioners contended that the Labour Court was in error in

passing the award in favour of the first respondent holding that his removal is illegal and ordering reinstatement with continuity of service.

5. According to the learned counsel for the petitioners the first respondent was engaged for a temporary work on daily wage basis and since the work was over, his services were dispensed with. Therefore, there is no need to comply with any of the provisions of the Act. Hence the award is illegal and unsustainable.

6. The learned counsel appearing for the first respondent supported the award of the Labour Court. He also contended that under identical circumstances, this Court confirmed the award passed by the Labour Court in two other cases in Writ Petition Nos.17866 of 1996 dated 27.10.1999 and W.P.No. 16944 of 1996 dated 27.10.1999, under which, the award of the Labour Court was upheld and the writ petitions were dismissed.

7. Heard both sides and considered the material available on record.

8. As the Labour Court gave a categorical finding after considering the material on record that the present petitioners did not comply the provisions of the Act and therefore the removal of the first respondent is illegal and unsustainable and accordingly ordered reinstatement. As, similar issue has already upheld by this Court there are no merits in the writ petition, and the same is accordingly dismissed. No costs.

S.Ananda Reddy, J

Date:15.09.2004

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To

- 1 The Industrial Tribunal cum Labour court rep. by
Presiding Officer cum Chairman, Guntur (with records).
- 2 Two CCs to G.P. for Transport R&B, High Court of A.P.
Buildings, Hyderabad.
- 3 Two CD Copies